

## **REMARKS**

### **Status Of Claims**

Claims 4-10 and 24-31 are pending in the application, claims 1-3 and 11-23 having been deleted and claims 24-31 having been added herein.

Support for the amendment to claim 4 can be found in original claim 1.

Support for new claims 24 and 25 can be found, for example, in original claims 2 and 3.

Support for new claims 26-30 can be found, for example, in original claims 11-14 and 22.

See also paragraph [0031].

Support for new claim 31 can be found in original claim 23.

### **Claim Rejection under 35 USC 103(a)**

Claims 1 and 4-10 have been rejected under 35 USC 103(a) as being unpatentable over Pinchuk et al., US 6,545,097 (Pinchuk) in view of Wong, US 4,475,972. Applicant respectfully traverses this rejection and its supporting remarks.

For example, as indicated in the Office Action, Pinchuk does not explicitly teach fibers formed by dry spinning as claimed. Wong is cited for allegedly teaching such a dry spinning process. Regardless, the combination of references proposed in the Office Action does not render the present invention obvious.

In this regard, a proper rejection under 35 U.S.C. 103 requires, inter alia, an explanation as to why one of ordinary skill in the art at the time the invention was made would have been motivated to make a proposed modification to the prior art to arrive at the claimed subject matter. See also Examination Guidelines for Determining Obviousness Under 35 U.S.C. 103 in View of the Supreme Court Decision in *KSR International Co. v. Teleflex Inc.*:

The Supreme Court in KSR noted that the analysis supporting a rejection under 35 U.S.C. 103 should be made explicit. The Court quoting *In re Kahn* ... stated that “[R]ejections on obviousness cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.”

Moreover, there must be a reasonable expectation of success. See MPEP 2143.02.

As indicated in the Background section of the instant specification, the process of forming synthetic fibers by extruding (i.e., forcing) polymers through nozzles having anywhere

from one to many thousands of tiny orifices, commonly referred to as spinnerets, is well known. In dry spinning processes, the polymer is dissolved in a solvent prior to extrusion. The extrudate is then typically subjected to a gaseous atmosphere (e.g., air) which removes the solvent by evaporation. The resulting fiber is subsequently taken up on a rotating mandrel or similar take-up device.

Not all polymers can be readily dry spun, however. For example, dry spinning is typically successful with polymers that contain a substantial degree of crystallinity, which are sometimes referred to as “fiber forming polymers”. Polymers with little to no crystallinity, on the other hand, are generally considered to be “non-fiber forming.” For example, prior to the present invention, styrene-isobutylene copolymers such as polystyrene-polyisobutylene-polystyrene triblock copolymers (SIBS copolymers) were generally believed to be non-fiber forming polymers, due to their near-zero crystallinity.

As a result, it is respectfully submitted that one of ordinary skill in the art, at the time the invention was made, would not have had a reasonable expectation of success in forming dry spun fibers from styrene-isobutylene copolymers including SIBS copolymers.

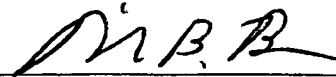
Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection of the claims under 35 USC 103(a).

### **Conclusion**

Should the Examiner be of the view that an interview would expedite consideration of the application, request is made that the Examiner telephone the Applicants' attorney at (703) 433-0510 in order that any outstanding issues be resolved.

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Respectfully submitted,



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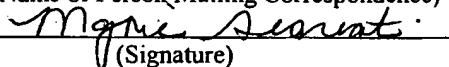
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